

**ROBERT E. MOECKEL, individually and
on behalf of the John Morrell Employee
Benefits Plan, similarly situated Plans, and
other participants and beneficiaries similarly
situated,**

Plaintiff,

v.

CAREMARK, INC.,

Defendant.


Case No. 3:04-0633
Judge Trauger

ORDER

For the reasons expressed in the accompanying memorandum, defendant Caremark's motion to dismiss or transfer venue to the Northern District of Illinois, pursuant to 28 U.S.C. § 1406(a), or, in the alternative, to transfer venue to the Northern District of Illinois pursuant to 28 U.S.C. § 1404(a) (Docket No. 82) is hereby denied.

It is so **ORDERED**.

Entered this 3rd day of April 2006.


ALETA A. TRAUGER
United States District Judge